

REMARKS

Applicant thanks the Examining Attorney for the courtesy of conducting a telephone interview on January 11, 2005. In the interview, the above claim amendments were discussed and the Examiner indicated that the amendments would probably overcome the §102(a) rejection, but that he would still have to consider §103. The Examiner also indicated his willingness to further consider the above amendments. No agreement as to the allowability of the claims was reached in the interview.

Independent Claims 1, 6 and 11 have been amended to more precisely define the "inner portion" of the tool handle of the claim. It is believed that this clarification, support for which is found in the application specification, better differentiates Claims 1, 6 and 11 from the art cited by the Examiner, Bond, U.S. Patent No. 5,421,224 (the '224 patent), as Bond does not claim or disclose indicia on a surface of a tool that is protected from wear.

During the interview, the Examiner opined that the amended claims are obvious in view of Bond '224, particularly because Bond has indicia (70) on a blunt end (72) of a handle. He indicated that the placement of indicia (70) on the end of the tool implies that Bond was aware and concerned with protecting the indicia (70) from abrasion and wear.

We respectfully disagree that Bond has any inclination toward protecting the indicia. This is demonstrated by the fact that Bond contains no mention at all of indicia protection. The fact that Bond has no mention of indicia protection follows from the nature of the tools with which he is primarily concerned, namely screwdrivers. A screwdriver handle has no surface that is invulnerable to contact with a user's hand. Even the butt end will commonly be engaged by a user's palm as a user attempts to impart axial driving force to the tool.

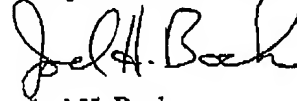
Without question, Bond's primary focus is identification of the tool—he is not concerned with protecting the indicia. Only Applicant's disclosure provides any motivation for protecting the indicia. Thus, the Examiner's suggested translation of the indicia (70) from the end of the pliers to an inner surface is only motivated by Applicant's disclosure. Bond does not recognize

that with respect to abrasion resistance the indicia (70) may be in a better position than the indicia (68, 69). In fact, only the tool in Bond that provides a sheltered position on the tool is the pliers of Fig. 8, and in this tool, Bond did not choose to utilize the sheltered location.

Further, the fact that Bond's indicia (72) on the butt end of a pliers is arguably better than the indicia (68, 69) on the sides (because the butt end of a pliers is not normally going to be contacted by a user's hand), does not mean that Bond recognizes that fact or in any way sought to achieve indicia protection. With no motivation from Bond to protect the indicia, there is further no motivation to make the next improvement by moving the indicia to the physically sheltered location of the inner surface of the pliers handle. Only by imposing the motivation from Applicant's disclosure would one recognize that Bond could be further improved by sliding the indicia off of the end of the tool and onto the inner surface.

It is submitted that the above amendments place the application in condition for allowance. Accordingly, the application is resubmitted for reconsideration. A favorable action is respectfully requested.

Respectfully submitted



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